

REMARKS

Rejection Based under Section 103

Claims 1 and 6 were rejected under Section 103 as being obvious and thus unpatentable based on Hagen in view of New. Other claims were rejected bases on combinations of Hagen, New, Green, Havel, Avicola and Isaacson Applicants have substantially narrowed their claims to clearly distinguish the present invention from the prior art and request reconsideration. The current claims are all limited to earrings with three different color lights that flash with heartbeats with two of the lights flashing only when the heartbeat exceeds increasing predetermined thresholds. Applicants submit that the current invention as presently claimed is not disclosed or suggested by the prior art. Applicants submit the combinations proposed by the Examiner are not obvious and that even if they were combined, the combination would not result in the present invention.

Applicants agree that pulse rate monitors have been available for many years for monitoring medical conditions including heartbeat rate variations during exercise. However, no one has suggested making the earrings that flash with each heartbeat until the present inventors did it and filed their application that resulted in Applicant's US Patent No. 6,277,079. But that earring included only a single light. The current invention is an unobvious improvement to the Applicants earlier invention. Applicants admit that techniques for turning on the second two lights as the heartbeat rate increased were available in the prior art but nothing in the prior art suggested combining those techniques to produce the claimed three-light heartbeat flashing earrings.

To produce the present invention would require the combination of the teaching of five patents. Such a combination is not suggested in any of the five patents and the combination would not have been obvious to persons skilled in the art.

Summary

For all of the above reasons, Applicants submit that the present invention as currently claimed provides an important, invention, not disclosed or suggested by the prior art. Applicants respectfully submit that all of the outstanding claims should now be allowable and they request that they be allowed and to application be allowed to issue as a patent.

Respectfully Submitted,



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